

REMARKS

Favorable reconsideration of this application is requested in view of the following remarks. Reconsideration of the claim is respectfully requested. Claims 1-18 are pending in the application.

In paragraph 7 on page 4 of the Office Action, claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Yokomizo et al. (US 6,522,418). Applicants respectfully traverse the rejection.

In order to render a claim anticipated by the prior art, each and every element of the claim must be disclosed in a single reference. In construing claims, the court in *Phillips* has recently emphasized that "claims must be read in view of the specification." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005). In fact, the Federal Circuit explained that the specification is "'usually . . . dispositive. . . [and] the single best guide to the meaning of a disputed term.'" *Id.* (quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582). For these reasons, the Federal Circuit confirmed that it is "entirely appropriate for a court, when conducting claim construction, to rely heavily on the written description for guidance as to the meaning of the claims." *Phillips*, 415 F.3d at 1317. Applicants' submit that a distributed multimedia asset means "the multimedia asset has been distributed amongst at least one other device, be it a local or non-local (i.e., remote) device." See page 29, lines 21-23 of Applicants' Specification. If the multimedia asset is modified, then "the distributed multimedia assets are automatically synchronized By synchronized, it is meant that all distributed multimedia assets are modified" See page 30, lines 3-5 of Applicants' Specification. "In this way all associated multimedia assets remain coherent (*i. e., the variously distributed multimedia assets are all of the same version*) See page 28, lines 12-14 of Applicants' Specification; *Emphasis added*.

Yokomizo fails to teach or suggest at least (a) modifying a particular one of the set of distributed multimedia assets, and (b) automatically synchronizing all others of the set of distributed multimedia assets based upon (a). Rather, Yokomizo discloses that a low-resolution image is downloaded from a remote image editing station to a local image editing station. Editing is performed on the low-resolution image and only the edited information is sent to the remote image editing station. See Col. 20, lines 46-63. However, Yokomizo does not

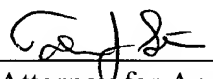
disclose that the low-resolution image is a distributed multimedia asset, i.e., the low-resolution image was distributed amongst at least one other device. Yokomizo merely discloses the edited information is sent to the remote image editing station and effected on a high-resolution image. It is clear that a high-resolution image is not the same as a low-resolution image (i.e., thumbnail). Thus, Yokomizo cannot possibly automatically synchronize all others of the set of distributed multimedia assets based upon modifying a particular one of the set of distributed multimedia assets.

Therefore, in view of the above remarks, Applicants' independent claims 1 and 11 are patentable over the cited reference. Because claims 2-10 and 12-18 depend from claims 1 and 11 respectively, and include the features recited in the independent claims, Applicants respectfully submit that claims 2-10 and 12-18 are also patentably distinct over the cited reference. Nevertheless, Applicants are not conceding the correctness of the Office Action's rejection with respect to such dependent claims and reserve the right to make additional arguments if necessary.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Deposit Account No. 05-0225.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.